

Appl. No 10/728,689
Amdt. dated April 8, 2005
Reply to Office action of June 29, 2006

REMARKS/ARGUMENTS

Claims 28-36 and claims 40-43 are currently pending in the current application. Claims 1-27 and claims 37-39 are canceled. Claims 44-51 are added with this response.

The Examiner has provisionally rejected claims 28-36 and claims 40-43 of the above referenced application based upon the judicially created doctrine of non-statutory double patenting. The Applicant respectfully traverses the Examiner's argument on the grounds that the amended claims do not qualify as an obvious modification of co-pending Application No. 10/728,596.

The Examiner stated that "Claims 28-36 and 40-43 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 22, 24, 27-37 of co-pending Application No. 10/728,596. Although the conflicting claims are not identical, they are not patentably distinct from each other because the Claim 29 of the instant application and claim 35 of the co-pending application 10/728,596 are very similar."

"The instant application claiming a first and a second displays to display the images from the co-pending application claiming the images received from the computer to be displayed on the display. However, the limitation that matters in above is not the number of displays, but the numbers of images to be displayed which is received from the computer."

"Both applications shows the a performance status display."

The claims of the current application have been modified to incorporate the claims of the co-pending application claiming the performance status display. The performance status display containing claims were then canceled from the co-pending application. Since the performance status display limitations of these claims are neither taught, suggested, nor implied by the claims of the co pending applications, the Applicant respectfully asserts that the double-patenting rejection is no longer valid. Therefore, since MPEP §2143.03 requires that "To establish *prima facie* obviousness of a claimed invention, all the claim limitations

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must be taught or suggested by the prior art," for at least the reasons shown, the Examiner has not met his burden of establishing a *prima facie* case of obviousness between this application and the other cited applications.

In view of the above remarks, reconsideration of the rejection is respectfully requested. However, if the Examiner has any suggestions or comments for further placing the instant application in a condition for allowance, he is respectfully requested to contact the undersigned with the same. Otherwise, the Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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